IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 7021 of 2006(J)

PETITIONER:

DR. SHINY PALATY, LECTURER-SENIOR SCALE
IN CHEMISTRY, BHARATH MATHA COLLEGE,
THRIKKAKARA.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.P.A.MOHAMMED ASHROF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.REEJA RANI

RESPONDENTS:

---

1. STATE OF KERALA, REP. BY PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT, TRIVANDRUM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, ERNAKULAM.

4. THE REGISTRAR, MAHATMA GANDHI UNIVERSITY ETTUMANNOOR, KOTTAYAM.

5. THE PRINCIPAL, BHARATH MATHA COLLEGE, THRIKKAKARA.

R5 BY ADV. SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
R4 BY ADV. SRI.V.A.MUHAMMED, SC, M.G.UNIVERSITY
R1 TO R3 BY GOVERNMENT PLEADER SRI. T.T. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 7021 OF 2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE APPROVAL ORDER DATED 1.3.90.

EXT. P1(a) : TRUE COPY OF THE APPROVAL ORDER DATED 8.1.91.

EXT. P2 : TRUE COPY OF THE ORDER DATED 23.7.2002.

EXT. P2(a) : TRUE COPY OF THE ORDER DATED 28.6.2005.

EXT. P3 : TRUE COPY OF THE G.O.(RT) NO.1787/2000/HEDN DATED 28.10.2000.

EXT. P4 : TRUE COPY OF THE CERTIFICATE DATED 29/8/2003.

EXT. P5 : TRUE COPY OF THE COMMUNICATION NO.F2-3/2000 (PS) DATED 9.10.2003.

EXT. P5(a) : TRUE COPY OF THE CIRCULAR NO.Ac.B.V/1/261/2001 DATED 29.3.2003.

EXT. P6 : TRUE COPY OF THE COMMUNICATION DATED 14.12.2005.

EXT. P7 : TRUE COPY OF THE REPRESENTATION DATED 3.2.2006.

EXT. P8 : TRUE COPY OF THE ORDER NO.Ac.B V/1.7 DATED 19.12.2005.

EXT. P9 : TRUE COPY OF THE STATEMENT OF REASSESSMENT OF WORKLOAD.

EXT. P10 : TRUE COPY OF THE JUDGMENT DATED 25.3.2003 IN O.P. NO.10008/03.

EXT. P11 : TRUE COPY OF THE ORDER NO.Ac.II/UGC-GEN/91 DATED 16.10.1991.

RESPONDENT'S EXTS:

EXT. R3(a) : TRUE COPY OF THE GOVT. LETTER NO.5617/C3/2006/H. EDN. DATED 20.3.2006.

K.M.JOSEPH, J.

- -

WP.(C) No. 7021 OF 2006

- -

Dated this the 18th day of December, 2006

JUDGMENT

By Ext.P2(a) the Syndicate Sub Committee resolved to approve provisionally the promotion of the petitioner as Lecturer Selection Grade with effect from 9.1.2001. Ext. P6 is issued by the Deputy Director raising objections to the approval. Petitioner relies on the Division Bench decision of this court reported in **Cherian Mathew v. Principal, S.B. College, Changanassery** (1998(2) K.L.T. 144).

2. Heard Government Pleader also. Government Pleader reiterates the objections raised and contends that petitioner is not entitled to approval as Lecturer Selection Grade.

The writ petition is disposed of as follows:

The third respondent will place his objection to Ext.P2(a) before the fourth respondent within a period of one month from the date of receipt of a copy of this judgment. Thereupon the fourth respondent will consider each and every objection of the third respondent meticulously and pass a reasoned order. The same shall be

communicated to the petitioner and the third respondent. If the decision taken by the fourth respondent is reiterating Ext.P2(a), the decision in **Cherian Mathew's** case will govern and the monetary benefits due to the petitioner flowing from Ext.P2(a) shall be paid to the petitioner without any further delay.

(K.M. JOSEPH, JUDGE)

sb

K.M.JOSEPH, JJ.

- - - - - - - - -- -

W.A. No. OF

- -- - - - - - - - - - - - - - -

JUDGMENT

Dated this the day of February, 2006.